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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,311	03/04/2002	Diego Kaplan	UTL 00134	8151
7590	12/15/2005		EXAMINER	
Kyocera Wireless Corp., Attn: Patent Department PO Box 928289 San Diego, CA 92192-8289			TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/091,311	KAPLAN DIEGO	
	Examiner ian dai thi truong	Art Unit 2143	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is response to communications: application, filed 04/03/02; amendment filed 09/15/2005. Claim 10 is amended.

### **Response to Arguments**

2. Applicant's argument filed 09/15/2005 has been fully considered but they are not persuasive. The Examiner decides to retain the rejection.

3. Applicant argues: "not all claim limitations are taught or suggest." The Examiner totally disagrees. Because all unpatentable evident of claim limitations are provided in the office action, such as:

Encoding the SMS message in response to selecting the encoding format (Lee: column 2, lines 31-52)

Storing the encoded SMS message in wireless device memory (Lee: column 2, lines 21-35, 56-59).

Evaluating resource encoding requirement for an SMS message and selecting an optimal encoding format for the SMS message in response to evaluating the resources: (Moskowitz: column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

4. Applicant argues: "There is no motivation to combine the Lee and Moskowitz." The Examiner totally disagrees with applicant at this point. Because both the Lee and the Moskowitz

teach in the same field of endeavor; the Moskowitz teaches clearly what the Lee does not explicitly teach

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1) Claims 1-5, 8-12, and 14-17 are rejected under 35 U.S.C 103(a) as being un-patentable over Lee (U.S. 6,590,887) in view of Moskowitz et al (U.S. 5,249,220)**

**In referring to claim 1, which is exemplary of claims 5 and 10:**

Lee discloses an apparatus comprising:

Encoding the SMS message in response to selecting the encoding format (the signal generated by the CDMA or PCS terminal is encoded: column 2, lines 31-52)

Storing the encoded SMS message in wireless device memory (A RAM and ROM for storing predefined message: column 2, lines 21-35, 56-59).

However Lee does not explicitly disclose a method of evaluating resource encoding requirement for an SMS message and selecting an optimal encoding format for the SMS message in response to evaluating the resources.

In the same field of endeavor, with an analogous art, Moskowitz discloses a method of evaluating and selecting the fewest binary bit encoding format as a predetermined format for transmitted message: (Moskowitz: column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of evaluating and selecting the encoding format for wireless transmitted message with Lee's system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claims 2 and 3:**

Lee-Moskowitz disclose a apparatus comprising:

Identifying an coding format available in the wireless device and usable for encoding the SMS message includes determining the number of bits needed to represent characters in the usable format: (The encoding format must be identified while evaluating and selecting encoding format such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: column 12, lines 1-9; column 13, lines 34-45)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of evaluating and selecting the encoding format for wireless transmitted message with Lee's system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claim 4:**

Lee-Moskowitz disclose an apparatus comprising:

Determining a memory usage requirement of the SMS message (The encoding format is determined such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: column 12, lines 1-9; column 13, lines 34-45).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of evaluating and selecting the encoding format for wireless transmitted message with Lee' s system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claim 8, the limitations:**

Lee-Moskowitz disclose an apparatus comprising:

Inputting the SMS message to a Mobile Origination enabled wireless device via a user interface: (user input new message by manipulating the keys and displays the input message on interface, see, Lee: column 3, lines 45-59; column 5, lines 22-51)

Transmitting the stored SMS message: (Lee: column 1, lines 33-34)

**In referring to claim 9, the limitations:**

Lee-Moskowitz discloses an apparatus comprising:

Receiving the SMS message via a transceiver: (the edits short message will be transmitted to a terminal which has designated telephone number (Lee: column 1, lines 49-50).

Presenting the stored SMS message on a user interface (The predefined message is displayed on the display after read from the memory, see, Lee: column 1, lines 43-46).

**In referring to claim 11, which is exemplary of claim 14:**

Lee discloses an apparatus comprising

An optimizing subsystem with an input to accept an SMS message, an input to accept an evaluation control signal, and an output to supply an optimizing signal responsive to the SMS message encoding requirements (Lee discloses keypad to input commands from the user, controller detects the inputs or commands form the user, and the encoder outputs the encoded signals: column 2, lines 21-67; column 3, lines 1-67)

An encoding subsystem with an input to accept the SMS message, an input to accept the optimizing signal; An output to supply the SMS message in a format responsive to the optimizing signal: (the encoder/decoder accepts signal from antenna and implements encoding and decoding message under the control from controller: column 2, lines 22-67; column 3, lines 1-20)

However Lee does not explicitly disclose a method of evaluating to select an optimal encoding format for the SMS message in his system.

In the same field of endeavor, with an analogous art. Moskowitz discloses a method of evaluating and selecting the fewest binary bit encoding format as a predetermined format for transmitted message, alphanumeric data message is encoded in format which requires the “fewest number of bit” which is equivalent to “optimal encoding format”, then transmitted to destination: (Moskowitz: column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz’s ideas of evaluating and selecting the encoding format for wireless transmitted message with Lee’ s system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claim 12:**

Lee-Moskowitz disclose an apparatus comprising:

The evaluation control signal identifies encoding formats available in the wireless device and available encoding format parameters including the number of bits needed to represent characters: (Moskowitz discloses encoding format must be identified while evaluating and selecting encoding format such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: column 12, lines 1-9; column 13, lines 34-45)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of evaluating and selecting the encoding format for wireless transmitted message with Lee' s system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claim 13:**

Lee-Moskowitz discloses an apparatus comprising:

The optimizing subsystem evaluates the SMS message to identify available encoding formats usable for encoding the characters, wherein the optimizing subsystem determines a memory usage requirement, wherein the optimizing subsystem selects as the optimal encoding format with a minimum memory usage, and wherein the optimizing subsystem supplies the identity of the optimal encoding format in the optimizing signal: (Moskowitz discloses the encoding format is determined such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: column 12, lines 1-9; column 13, lines 34-45).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of evaluating and selecting the encoding

format for wireless transmitted message with Lee' s system in order to provide selecting the fewest bits encoding format for messages, see (Moskowitz: column 12, lines 1-9).

**In referring to claim 15, the limitations:**

Lee-Moskowitz discloses an apparatus comprising:

A memory circuit has an input to accept the encoded SMS message for storage and an output to supply the stored SMS message (Lee discloses RAM and ROM to store predefined messages.The message read from the memory and displays on the display: column 1, lines 42-45, lines 22-45; column 3, lines 25-52)

**In referring to claim 16:**

Lee-Moskowitz disclose an apparatus comprising:

The wireless device is Mobile Origination enable and optimizing subsystem accepts the SMS message from a user interface (Lee discloses the controller receives the message that the user inputs from the display: column 3, lines 47-52)

The transceiver has an input to accept the stored SMS message from the memory for airlink transmission: (Lee discloses the stored predefined messages will be transmitted to between digital mobile communication terminal, so there must be exist an airlink communication: column 2, lines 55-59).

**In referring to claim 17:**

Lee-Moskowitz disclose an apparatus comprising:

Wherein the optimizing subsystem accepts the SMS message from a transceiver and a user interface has an input to accepts the stored message for presentation: (Lee disclose method of decoding encoded messages and displaying messages on the display: column 2, lines 22-52)

**2) Claims 6 and 18 are rejected under 35 U.S.C 103(a) as being un-patentable over Lee (U.S. 6,590,887) in view of Moskowitz et al (U.S. 5,249,220), and further in view of Wolf et al. (U.S. 5,844,922)**

**In referring to claims 6 and 18, the limitation:**

Lee-Moskowitz is silent in disclose a method of selecting the optimal encoding format includes selecting seven-bit ASCII as a default optimal encoding format. However, in the same field of endeavor, with an analogous art, Wolf discloses a constraint length of 7 is typical in encoding format (Wolf: column 1, lines 44-46; column 2, lines 3-12; column 3, lines 15-30; column 13, lines 63-64).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wolf's ideas of using encoding format such as a constraint length of 7 with Lee' s system in order to perform higher rate for encoding and decoding, see (Wolf: column 4, lines 48-54).

**3) Claims 7 is rejected under 35 U.S.C 103(a) as being un-patentable over Lee (U.S. 6,590,887) in view of Moskowitz et al (U.S. 5,249,220) in view of Wolf et al. (U.S. 5,844,922), and further in view of Murray et al. (U.S. 6,539,118)**

**In referring to claim 7, the limitations:**

Lee-Moskowitz is silent in disclose a method of evaluating an English-language SMS message in ISO Latin 1, and Unicode formats as usable; and, determining the number of bits needed to represent characters in ISO Latin 1, and Unicode formats

However, in the same field of endeavor, with an analogous art, Murray discloses a system and method for evaluating character sets of message containing a plurality of character sets.

Murray discloses a communication system includes “character table bank” stored in the system storage. “Characters table bank” contains many different code formats such as Unicode, “ISO-8859-1” which is equivalent to “ISO Latin 1” and ASCII. Through out the “characters table bank”, the communication system performs searching, evaluation and selecting the best code format such as for faster processing, see (Murray: column 1, lines 65-67; column 2, lines 3-30; column 4, lines 32-35, 42-46, 61-67; column 5, lines 16-24; column 6, lines 60-67; column 7, lines 1-4).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Murray’s ideas of code message in different code formats such as Unicode, “ISO-8859-1” with Lee’s system in order to determine which code format is the best fit based on the evaluation technology of the communication system, see (Murray: abstract, lines 7-12).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong  
Examiner  
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12/11/2005



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